

## **AMENDMENTS TO THE CLAIMS**

1. (Currently Amended) A secondary battery comprising a positive electrode, a negative electrode, and an electrolyte,

wherein the positive electrode includes a positive electrode mixture layer capable of occluding and releasing light metal;

wherein the negative electrode includes a negative electrode mixture layer capable of occluding and releasing light metal;

wherein the a charge capacity of the negative electrode is expressed by the a sum of a first capacity component by occluding and releasing light metal and a second capacity component by precipitating and dissolving light metal on said negative electrode at charging voltages below overcharging;

wherein the a ratio (A/B) of a thickness A of the positive electrode mixture layer and a thickness B of the negative electrode mixture layer is 1.186 or more;

wherein each of the thickness A of the positive electrode mixture layer and the thickness B of the negative electrode mixture layer lies within the a range of 80  $\mu\text{m}$  to 250  $\mu\text{m}$ , both inclusive; and

wherein the negative electrode mixture layer contains a carbonaceous material;

wherein a charge capacity of the positive electrode is larger than the charge capacity of the negative electrode; and

wherein, when a voltage of the battery is lower than an overcharge voltage of the battery during charging of the battery, the light metal precipitates on a surface of the negative electrode after the charge capacity of the negative electrode has been exceeded.

2-3. (Cancelled)

4. (Original) A secondary battery as claimed in claim 1, wherein the negative electrode mixture layer contains graphite.

5. (Original) A secondary battery as claimed in claim 1, wherein the light metal includes lithium.

6. (Original) A secondary battery as claimed in claim 1, wherein the electrolyte contains  $\text{LiPF}_6$ .

7. (Original) A secondary battery as claimed in claim 1, wherein the electrolyte contains a nonaqueous solvent and electrolytic salt, where the concentration of the electrolytic salt in the nonaqueous solvent is 2.0 mol/kg or less.

8-12. (Cancelled)

13. (Currently Amended) A secondary battery comprising:

a positive electrode;

a negative electrode; and

an electrolyte,

wherein the positive electrode includes a positive electrode mixture layer capable of occluding and releasing light metal,

wherein the negative electrode includes a negative electrode mixture layer capable of occluding and releasing light metal,

wherein the a charge capacity of the negative electrode causes lithium to precipitate on the negative electrode before charging of the secondary battery is completed, and

wherein the a ratio (A/B) of a thickness A of the positive electrode mixture layer and a thickness B of the negative electrode mixture layer is 1.186 or more;

wherein each of the thickness A of the positive electrode mixture layer and the thickness B of the negative electrode mixture layer lies within the a range of 80  $\mu\text{m}$  to 250  $\mu\text{m}$ , both inclusive; and

wherein the negative electrode mixture layer contains a carbonaceous material; and

wherein a charge capacity of the positive electrode is larger than the charge capacity of the negative electrode.

14. (Currently Amended) A secondary battery comprising:

a positive electrode;  
a negative electrode; and  
an electrolyte,

wherein the positive electrode includes a positive electrode mixture layer capable of occluding and releasing light metal, wherein the negative electrode includes a negative electrode mixture layer capable of occluding and releasing light metal, wherein the a charge capacity of the negative electrode causes lithium to precipitate on the negative electrode when an open circuit voltage of the battery is lower than an overcharge voltage, wherein ~~the a~~ ratio (A/B) of a thickness A of the positive electrode mixture layer and a thickness B of the negative electrode mixture layer is 1.186 or more;

wherein each of the thickness A of the positive electrode mixture layer and the thickness B of the negative electrode mixture layer lies within the range of 80  $\mu\text{m}$  to 250  $\mu\text{m}$ , both inclusive; and

wherein the negative electrode mixture layer contains a carbonaceous material; and

wherein a charge capacity of the positive electrode is larger than the charge capacity of the negative electrode.

15. (New) A secondary battery as claimed in claim 4, wherein the negative electrode mixture layer includes natural graphite.

16. (New) A secondary battery as claimed in claim 13, wherein the carbonaceous material includes natural graphite.

17. (New) A secondary battery as claimed in claim 14, wherein the carbonaceous material includes natural graphite.